

**REMARKS**

This is in response to the Office Action mailed on April 29, 2009. All objections and rejections are respectfully traversed. Claims 1, 3, 5-15, 17-23 are presently pending. No claims are currently amended.

**Rejections Under 35 U.S.C. § 103**

The Examiner rejected claims 1, 3, 5, 9-10, 14-15 and 17-18 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2002/0111172 to DeWolf (“DeWolf”) in view of U.S. Patent No. 6,516,337 to Tripp *et al.* (“Tripp”). This rejection is respectfully traversed.

The Examiner asserted that DeWolf teaches location based advertising provided to a user based on a profile that includes location history data. Paragraph 0087 states that the location profile can at least in part be built upon your history of Internet browsing and the geographic location of business/sites that you have visited on the Internet.” Office Action, page 2, lines 14 – 18. Applicant respectfully submits that, contrary to the Examiner’s characterization, the cited portion of DeWolf does not teach or suggest the claimed steps of:

“tracking the Internet user’s visits to at least one Internet site promoting a business having a business geographic location thereby defining a visited Internet site; [and]

determining the business geographic location of the business promoted by the visited Internet site thereby defining a matched business location.”

Rather, DeWolf describes a location profile 570 that may be generated based solely on the observed locations and predict the location of a subscriber at a particular time. Paragraph [0086] lines 1 – 3. “Additionally, the location profile 570 may obtain data about the entities associated with the location, or within close proximity of the location. In a preferred embodiment, the location profile 570 is a probabilistic determination of location based on time (i.e., season, month, day, hour), activity (i.e., vacation, entertainment), or other parameters.” Paragraph [0086], lines 9 – 15. “The location for your vacation may be predicted based on past vacations, external data including but not limited to internet browsing, television viewing habits, product and service purchases related to vacations, or a combination of some or all of these. For example, if you always travel to different beach resorts, have progressively been working your way south, and have visited numerous web sites related to the Outer Banks, the location profile

570 may identify your location for vacation as the outer banks.”

The Examiner asserted that “[r]ecognizing that the user has “visited numerous websites related to the “Outer Banks” (in North Carolina), the system can take this “external data” and use it in an estimation/determination of the location of a user as well form as [sic.] a basis for delivering advertising merchants/services relevant to that determined geographic location. Contrary to the Examiner’s characterization, DeWolf merely combines various forms of data including Internet browsing to predict a subject’s vacation location. Such a predicted vacation location is not a determined geographic location as the Examiner asserted and has nothing to do with a business geographic location of the business promoted by the visited internet site as particularly claimed. DeWolf merely describes that the subject has “visited numerous web sites related to the Outer Banks.” This does not disclose or imply that such websites have business geographic locations in the Outer Banks or that such business geographic locations are used to determine a location of the subject. More likely, such sites would be travel agency websites, map websites, geographic information websites, vacation review websites, weather websites or the like. Nothing in DeWolf describes anything about an Internet site “promoting a business having a business geographic location” as claimed. The Examiner seems to be incorrectly equating websites which relate to a particular location in any way with website promoting a business having a business geographic location at the location.

The Examiner asserted that “[d]elivering location-based advertising (Outer Banks advertising) according to a common geographic location associated with numerous Outer Banks web visits indicates that the Outer Banks is a popular geographic location for that user.” Office Action, page 2, line 22 – page 3, line 1. Applicant respectfully submits that DeWolf’s example of predicting a subject’s vacation location based on numerous factors including websites related to a location, whether or not the vacation location is a popular geographic location for the subject, does not involve “tracking the Internet user’s visits to at least one Internet site promoting a business having a business geographic location thereby defining a visited Internet site; [and] determining the business geographic location of the business promoted by the visited Internet site thereby defining a matched business location” as claimed.

The Examiner correctly notes that DeWolf et al does not describe the details of how a business location can be determined for a visited web page. In fact, DeWolf does not mention

anything about determining a business location for a visited website. This is because, in contrast to the present invention, the method of location based profiling described by DeWolf does not require knowledge of a business location for a visited website.

The Examiner asserted that Trip teaches a typical search engine having a database or index which correlates web page URLs to a categorization of that web page which would have been obvious for use by DeWolf “so that the geographic location of web pages can be determined accurately and quickly.” Applicant respectfully submits that persons having ordinary skill in the art would not have been motivated to combine the teachings of Trip with DeWolf because, as set forth above, DeWolf does not require or assert any need for determining the geographic location of a web page. Trip does not have anything to do with determining the geographic location of an internet user and therefore does not cure the deficiencies of DeWolf recited above.

Since no combination of DeWolf and/or Tripp teaches or suggests each and every element of the claims, Applicant respectfully submits that the rejections of the claims under 35 U.S.C. § 103 are overcome. Reconsideration is respectfully requested.

The Examiner rejected claims 6-8 and 11-13 under 35 U.S.C. § 103(a) as being unpatentable over DeWolf in view of Tripp and further in view of U.S. Publication No. 2003/0009762 to Hooper *et al.* (“Hooper”). This rejection is respectfully traversed. Applicant submits that Hooper’s description of creating profiles based upon factors including demographics, residence and amount of time spent on websites, does not teach or suggest anything about “tracking the Internet user’s visits to at least one Internet site promoting a business having a business geographic location thereby defining a visited Internet site; [and] determining the business geographic location of the business promoted by the visited Internet site thereby defining a matched business location” as claimed and therefore does not cure the deficiencies of DeWolf and Trip as described above.

Since no combination of DeWolf, Tripp and/or Hooper teaches or suggests each and every element of the claims, Applicant respectfully submits that the rejections of the claims under 35 U.S.C. § 103 are overcome. Reconsideration is respectfully requested.

The Examiner rejected claims 19-23 under 35 U.S.C. § 103(a) as being unpatentable over DeWolf in view of Tripp and further in view of U.S. Publication No. 2003/0065805 to Barnes,

Jr. (“Barnes”). This rejection is respectfully traversed. Applicant respectfully submits that Barnes’ description of location-based advertising which includes advertisers bidding on desired targeting criteria in order to have their ads included with search results (paragraph [238]) does not cure the deficiencies of DeWolf and Tripp, for example, by describing “estimating the Internet user’s geographic location to be adjacent to the most popular business geographic location thereby defining an Internet user location” as particularly claimed.

Since no combination of DeWolf, Tripp and/or Barnes teaches or suggests each and every element of the claims, Applicant respectfully submits that the rejections of the claims under 35 U.S.C. § 103 are overcome. Reconsideration is respectfully requested.

**CONCLUSION**

For at least the reasons set forth above, reconsideration and allowance of this application are believed to be in order, and such action is hereby solicited. If any points remain an issue which the Examiner feels may be best resolved through a telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below. The Examiner is invited and encouraged to telephone the undersigned with any concerns in furtherance of the prosecution of the present application.

Please charge any deficiency as well as any other fee(s) which may become due at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 50-2896.

Respectfully submitted,

Date: August 5, 2009

/Joseph P. Quinn/  
Joseph P. Quinn, Reg. No. 45,029  
Seyfarth Shaw LLP  
Attorney for Applicant  
Two Seaport Lane  
Boston, MA 02210-2028  
Phone: 617-946-4833  
Fax: 617-946-4801  
Email: bosippto@seyfarth.com